IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,	CR 22–27–BU–DLC
Plaintiff,	
vs.	ORDER
JIM DEAN MARTIN,	
Defendant.	

Before the Court is United States Magistrate Judge Kathleen L. DeSoto's

Findings & Recommendation Concerning Plea. (Doc. 43.) Because neither party

objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United*

States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court

reviews the Findings and Recommendation for clear error. *McDonnell Douglas*

Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear

error exists if the Court is left with a "definite and firm conviction that a mistake

has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Jim Dean Martin is charged with one count of possession with intent to

distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1), as set forth in

the Superseding Information. (Doc. 34.) Judge DeSoto recommends that this

Court accept Mr. Martin's guilty plea as to the Superseding Information after he

appeared before her pursuant to Federal Rule of Criminal Procedure 11. The Court

finds no clear error in Judge DeSoto's Findings and Recommendation and adopts

them in full, including the recommendation to defer acceptance of the Plea

Agreement until sentencing when the Court will have reviewed the Plea

Agreement and Presentence Investigation Report. In light of the United States'

motion for preliminary order of forfeiture (Doc. 45), the Court will address the

issue of forfeiture by separate order.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and

Recommendation (Doc. 43) is ADOPTED in full.

IT IS FURTHER ORDERED that Mr. Martin's motion to change plea (Doc.

36) is GRANTED.

IT IS FURTHER ORDERED that Jim Dean Martin is adjudged guilty as

charged in the Superseding Information.

DATED this 9th day of February, 2023.

Dana L. Christensen, District Judge
United States District Court